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May 31, 1989

**FEDERAL EXPRESS**

The Honorable Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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FCC MAIL BRANCH

Re: BPH-870820MB, Hartford, Michigan

Dear Ms. Searcy:

We submit herewith, on behalf of our client, American Indian Broadcast Group, Inc., an original and four (4) copies of a Petition for Leave to Amend, and accompanying Amendment to its construction permit application now on file at the Commission for a new FM station to serve Hartford, Michigan on FM channel 279A (103.7 MHz).

Should you or any members of your staff have questions regarding the enclosed, please communicate with the undersigned for clarification. Thank you for your cooperation in this matter. With kind regards, I remain

Very sincerely yours,

*Robert S. Stone*

Robert S. Stone,  
Counsel to American Indian  
Broadcast Group, Inc.

RSS/ta

Enclosures

cc: American Indian  
Broadcast Group, Inc. (Public File)

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FM EXAMINERS

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In Re Application of )  
 )  
AMERICAN INDIAN BROADCAST GROUP, INC. )  
 )  
For Authority to Construct a New )  
Commercial FM Station on Channel 279A )  
at Hartford, Michigan )

File No. BPH-870820MB

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FCC MAIL BRANCH

To: Chief, Mass Media Bureau

PETITION FOR LEAVE TO AMEND

American Indian Broadcast Group, Inc. ("American"), applicant for construction permit for non-reserved FM channel 279A at Hartford, Michigan (BPH-870820MB), by counsel, and pursuant to §§1.65 and 73.3522(a)(6) of the Commission's Rules and Regulations, hereby respectfully submits its petition for leave to amend its above-captioned application, so as to report changes in information previously filed as part of its application. In support whereof, the following is shown:

1. Information within the attached Amendment reports the agreement by Fritz R. Niggeler, formerly American's secretary, treasurer, director, and 33 1/3% shareholder, to withdraw from the corporation, resulting in a redistribution of voting shares/equity in American between American's other shareholders, Jack W. Bursack and Lynwood H. Eaton. The transfer by which Mr. Niggeler is retiring is not a controlling one and does not result in a major change in ownership as defined by Commission rules. In that regard, American is now preparing a transfer application on FCC "Short Form" 316, to be submitted relative to American's KPOS(AM), Post, Texas, by virtue of Mr. Bursack's acquisition of positive control over American.

2. American's amendment also reports other activity affecting applications for new FM stations previously filed by American. Specifically, the Amendment reflects the Commission's return of American's construction permit application for a new FM station to serve Alamogordo, New Mexico, the dismissal, pursuant to settlement agreement, of American's construction permit applications for new FM stations to serve Windsor, Virginia and State College, Pennsylvania, and the grant of an application for a new FM station to serve Post, Texas, by settlement agreement, in which American holds a 49% partnership interest.

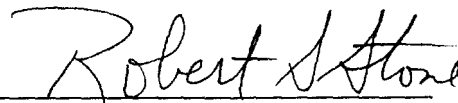
3. American's amendment proffered herewith involves no deficiency in the tenderability of its application, and would not create any conflict with an application filed subsequent to the filing of its application in original form. Moreover, the applicant expressly disavows any comparative "upgrading" otherwise accruing to the applicant by the virtue of the acceptance of its amendment proffered herewith. While the proposed amendment was, in a sense, required by the "voluntary" act of the applicant, it is nevertheless acceptable in that it brings the application into compliance with §1.65 of the Commission's Rules. In that regard, the applicant has demonstrated due diligence in the preparation and filing of its amendment. Because the amendment is filed prior to designation of its application for hearing, the acceptance of the amendment could not possibly disrupt the orderly conduct of any hearing or necessitate additional hearings. Finally, no other party would be unfairly prejudiced by its acceptance. Accordingly, the applicant has shown good cause for filing the amendment, over and above its obligation to amend its application so as to report significant changes in information previously filed therewith. See Erwin O'Conner Broadcasting Company, 22 FCC 2d 140, 143, 18 RR2d 820, 824 (Rev. Bd. 1970), 47 C.F.R. §73.3522(a)(6).

WHEREFORE, premises considered, American Indian Broadcast Group, Inc. respectfully urges the Chief, Mass Media Bureau to grant the instant petition and accept the accompanying amendment for association with its application consistent with the above.

Respectfully submitted,

AMERICAN INDIAN  
BROADCAST GROUP, INC.

McC Campbell & Young, Its Attorneys

By:   
Robert S. Stone

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(615) 637-1440

May 31, 1989

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## AMENDMENT

The application of American Indian Broadcast Group, Inc. ("American") for authority to construct and operate a new FM broadcast station to serve Hartford, Michigan on FM channel 279A (File No. BPH-870820MB) is hereby amended by the following information:

1. On May 3, 1989, Fritz R. Niggeler, formerly American's secretary, treasurer, director, and 33 1/3% shareholder, terminated his interest in American by reaching agreement with American's remaining shareholders, Jack W. Bursack and Lynwood H. Eaton, to convey his 33 1/3% ownership interest in American to Messrs. Bursack and Eaton, and by submitting his resignation as corporate officer and director of American. As a result of the agreement, Jack W. Bursack now serves as president, director, and 51% shareholder of American. Lynwood H. Eaton now serves as secretary, treasurer, director, and 49% shareholder of American.

2. On May 3, 1989, the Commission returned American's application for a new FM station to serve Alamogordo, New Mexico on FM channel 279C1 (File No. BPH-870820MC) as unacceptable. American will seek review of the Commission's return of its Alamogordo application.

3. On May 8, 1989, American's application for a new FM station to serve Windsor, Virginia on FM channel 299A (File No. BPH-870928MC) was dismissed pursuant

to a settlement agreement by Memorandum Opinion and Order FCC 89MM 1276 entered May

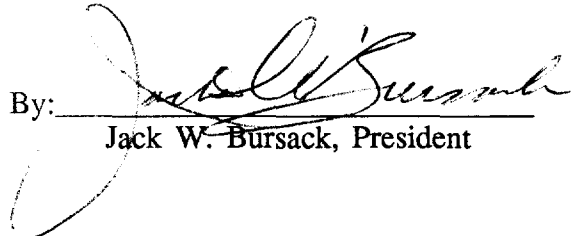
5. On May 22, 1989, the application of Boles-American Indian, A Partnership for a new FM station to serve Post, Texas on FM channel 297C2 (File No. BPH-870803MC), was granted pursuant to a settlement agreement by Memorandum Opinion and Order, FCC 89M-1509, released May 22, 1989. American holds a 49% partnership interest in Boles-American Indian, A Partnership.

It should be noted that none of American's applications which were dismissed left unresolved character issues pending, or, for that matter, requested by opposing parties.

DATED this 26<sup>th</sup> day of May, 1989.

AMERICAN INDIAN  
BROADCAST GROUP, INC.

By: \_\_\_\_\_

  
Jack W. Bursack, President

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